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11 Attorney for the State

12 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
13 **IN AND FOR THE COUNTY OF COCONINO**

14 **STATE OF ARIZONA,**

15 Plaintiff,

16 vs.

17 **JAMES JOSHUA WOMBLE,**

18 Defendant.

No. CR2017-00886

**NOTICE OF ALLEGATION OF  
AGGRAVATING FACTORS AND  
PRIORS FOR ENHANCEMENT**

The Honorable Mark Moran  
Division 3

19 The State of Arizona, pursuant to Rule 19.1(b), Arizona Rules of Criminal  
20 Procedure, moves to allege the following aggravating circumstance set forth in  
21 A.R.S. §§ 13-701(D) and 13-703 that must be presented for a jury determination,  
22 if a conviction is had at trial:

23 1. Infliction or threatened infliction of serious physical injury, except if  
24 this circumstance is an essential element of the offense of conviction  
25 or has been utilized to enhance the range of punishment under  
26 section 13-604.

2. Use, threatened use or possession of a deadly weapon or  
dangerous instrument during the commission of the crime, except if  
this circumstance is an essential element of the offense of conviction

VALERIE WYANT, CLERK  
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1 or has been utilized to enhance the range of punishment under  
2 section 13-604.

3 9. The victim or, if the victim has died as a result of the conduct of  
4 the defendant, the victim's immediate family suffered physical,  
5 emotional or financial harm.

6 If the defendant is found guilty at trial, the State respectfully requests this  
7 court to allow the State to present the aggravating factors to the Jury in a *Blakely*  
8 hearing immediately following the announcement of the jury's verdict.

9  
10 RESPECTFULLY SUBMITTED this 25<sup>th</sup> day of January, 2019.

11 WILLIAM P. RING  
12 COCONINO COUNTY ATTORNEY

13 By   
14 Marc Stanley  
15 Deputy County Attorney

16 COPY of the foregoing  
17 mailed/delivered this 25<sup>th</sup> day of January, 2019,  
18 to:

19 The Honorable Mark Moran  
20 Division 3  
21 Coconino County Courthouse  
22 Flagstaff, AZ 86001

23 Adam Zickerman  
24 Attorney for Defendant

25 By   
26